



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/517,043

03/02/2000

Richard Brinkerhoff

AMAZON0.043A

4543

20995

7590

01/11/2005

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

VAN DOREN, BETH

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/517,043

**Applicant(s)**

BRINKERHOFF, RICHARD

**Examiner**

Beth Van Doren

**Art Unit**

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 18-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-12, 18-29, 34-40 is/are rejected.
- 7) ☒ Claim(s) 10, 13 and 30-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                         |                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                        | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>20041230</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.                                                                      |

### **DETAILED ACTION**

1. The following is a Final office action in response to communications received 09/30/04. Claims 18, 24, 26, and 30 have been amended. Claim 1-13 and 18-30 are now pending in this application.

#### ***Response to Amendment***

2. Applicant's amendments to claims 18, 24, 26, and 30 are sufficient to overcome the 35 USC § 101 and §112, second paragraph, rejections set forth in the previous office action.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-4, 6-9, 11-12, 18-20, 22-27, and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (U.S. 5,950,172) in view of Geerlings (U.S. 5,956,693).**

5. As per claim 1, Klingman teaches a method of encouraging customers to provide reviews of purchased items, the method comprising:

receiving over a network an order from a first customer for an item purchased from an electronic catalog (See column 6, lines 1-10 and 35-39, column 48-51 and 61-64, column 11, lines 4-18, and column 14, lines 11-12, 22-24, 27-30, and 41-46, all of which disclose receiving customer orders for an item purchased from an electronic catalog. Identifications about these orders are stored in a table);

Art Unit: 3623

estimating that the first customer will have at least initially evaluated the item (See column 8, lines 22-25, and column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discuss that after a period of use the customer has evaluated the quality of a purchased item);

initiating an electronic transmission, based at least in part on the estimated date, to the first customer on or after the estimated date requesting the first customer to provide a review of the item to thereby encourage the first customer to provide at least one review, wherein the transmission includes a link to an electronic review form and activation of the link by the first customer causes the review form to be presented to the first customer (See at least figure 5, column 4, lines 20-25 and 55-62, column 9, lines 5-35 and 40-65, column 10, lines 40-41, and column 11, lines 1-10, which disclose providing a review request at a time after purchase/ordering (after verifying that the customer has previously purchased the item, thus the system knows that the customer has had the opportunity to use the item and come to an opinion about its quality), said review request asks the customer to provide feedback (a review) about their impression of the item. The system electronically transmits and links between the interfaces of the system);

receiving the review from the first customer electronically (See column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18, which describes the electronic receipt of rating information from the customer); and

individually presenting the first customer review in a group of reviews to a second customer interested in the item (See at least figure 5, column 9, lines 30-35 and 41-46, column 11, lines 1-7 and 30-45, column 12, lines 18-30 and 50-63. See also column 5, lines 56-59,

Art Unit: 3623

column 8, lines 19-27 and 33-38, column 20, lines 6-9, and column 14, lines 27-30, which disclose presenting a customer interested in said item with a review by a purchaser of said item).

However, Klingman does not expressly disclose estimating a date for the communication to take place based at least on the item type and initiating the communication on or after this date, the message including a link to another review form and causes the review form to be presented.

Geerlings teaches sending a communication to a consumer a certain determined amount of time after the purchase of a specific item, initiating the communication, and the communication channel of the communication message (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item. The communication may include email, email files, electronic documents, web pages, etc.).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out the review request of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

Furthermore, Geerlings discusses sending communications by the preferred means of the consumer. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to send an electronic message to the consumer with a link to a web page in order to efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

6. As per claim 2, Klingman discloses the review is a numerical rating (See column 12, lines 22-24, column 13, lines 19-25, which disclose the review as a numerical rating).

7. As per claim 3, Klingman discloses a method wherein the review includes a textual review comprising a plurality of words provided by the first customer (See at least figure 5, column 11, lines 1-7, column 12, lines 18-30 and 51-63, column 13, lines 9-15 and 40-49, column 18, lines 1-10, and column 21, lines 10-20, wherein the review includes textual reviews).

8. As per claim 4, Klingman discloses a method wherein the review is a textual review, and in conjunction with presenting the review to other customers, indicating that the review comes from a purchaser of the reviewed item (Once the reviews are entered, the reviews are presented to other customers in the context that the review comes from a purchaser of the reviewed item. See at least figure 5, column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 9, lines 30-35 and 41-46, column 11, lines 1-7, column 12, lines 18-30 and 51-63, column 13, lines 9-15 and 40-49, column 14, lines 27-30, column 18, lines 1-10, and column 21, lines 10-20, wherein the review includes textual See column 12, lines 18-30 and 50-63, which disclose presenting a customer interested in said item with a review by a purchaser of said item).

9. As per claim 6, Klingman teaches a review request (See at least figure 5, column 4, lines 20-25 and 55-62, column 9, lines 5-35 and 40-65, column 10, lines 40-41, and column 11, lines

Art Unit: 3623

1-10, which disclose providing a review request at a time after purchase/ordering). However, Klingman does not expressly disclose that the review request is provided via e-mail.

Geerlings discloses that the electronic communication after purchase is provided via e-mail (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item. The communication may include email, email files, electronic documents, web pages, etc.).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product and sending communications by the preferred means of the consumer. It is old and well-known that merchants send review requests to consumers that have purchased and used their products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to send an electronic message to the consumer with a link to a web page in order to efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

10. As per claim 9, Klingman teaches a method wherein the link is a hyperlink to the review form (See at least figures 5 and 8c, column 4, lines 20-25 and 55-62, column 9, lines 5-35 and 40-65, column 10, lines 40-41, and column 11, lines 1-10, which discloses links between the interfaces of the system).

11. As per claim 11, Klingman teaches a method further comprising providing the customer a request to review an item associated with the electronic catalog, the review of the item serving as

Art Unit: 3623

a measure about the seller of said item, on or after the estimated period (See column 1, lines 36-47, wherein the item's review speaks about the quality of the seller of the item. See also column 9, lines 44-46, which discusses reviewing an item to punish the seller of said item for poor quality. See also column 6, lines 1-10 and 35-39, column 48-51 and 61-64, column 11, lines 4-18, and column 14, lines 11-12, 22-24, 27-30, and 41-46, which disclose the item being purchased via an electronic catalog).

However, Klingman does not expressly disclose directly reviewing an item seller or an estimated date for the communications.

Geerlings teaches sending a communication to a consumer a certain determined amount of time after the purchase of a specific item (See column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out the review request of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

Furthermore, Klingman discusses a customer who purchased a product expressing his/her feelings about the seller of a product. Klingman further provides means for the customer to include comments. It would have been obvious to one of ordinary skill in the art at the time of



Art Unit: 3623

the invention to allow the customer to directly rate an item seller to reflect the customer's opinion of the seller because doing so would streamline the method and make the scores easier to understand by showing the feelings of the customer about the seller in a less convoluted manner.

12. As per claim 12, Klingman discloses reviews by customers (See column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18). However Klingman does not expressly disclose receiving at least one e-mail address provided by the first customer, the email address being that of a person other than the first customer, and forwarding the review to the e-mail address. Klingman further does not disclose that the item is a gift for the person other than the first customer.

Geerlings discloses receiving at least one e-mail address provided by the first customer, the email address being the preferred communication channel of the user, and forwarding the communication after purchase to the e-mail address (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 6, lines 1-15, wherein an email address is provided by the first user and the communication is sent to this email address).

Klingman discloses a system that records identification of a purchase and allowing a purchasing customer to rate the purchased item after a period of user (i.e. Klingman ensures that a rater has actually bought and preferably used the product prior to review). Geerlings discloses scheduling and planning communications with customers based on specific product purchases and provided email addresses (i.e. information is provided and recorded at time of purchase and used for further communications). It is known in the art of e-commerce that a purchaser will provide "bill to" and "ship to" contact information at the time of purchase and that these will be

Art Unit: 3623

different in the case of a gift purchase. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the user of the product with the review request (i.e. targeted communication) in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers who are users of the product. See at least column 3, lines 25-40, of Geerlings, and Klingman, column 9, lines 5-20 and 40-50.

13. As per claim 18, Klingman teaches a method of requesting a review of a purchased item, the method comprising:

receiving over a network a customer order for an item purchased from an electronic catalog (See column 6, lines 1-10 and 35-39, column 48-51 and 61-64, column 11, lines 4-18, and column 14, lines 11-12, 22-24, 27-30, and 41-46, which disclose receiving orders for an item purchased from an electronic catalog. Identifications about these orders are stored in a table);

inferring, using information stored in an electronic database, when the customer has evaluated the item (See column 8, lines 22-25, and column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discuss that at least after purchase and after an assumed period of use the customer has evaluated the quality of a purchased item);

providing over the network an electronic review request in response to at least the inference at a time spaced apart from the order, wherein the review request requests that the customer provide a review of the purchased item and includes a link to an electronic review form (See figure 8c, column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 4-10, which disclose providing a review request at a time after purchase/ordering (after verifying that the customer has previously purchased the item, thus the system knows that the customer has

Art Unit: 3623

had the opportunity to use the item and come to an opinion about its quality), said review request asks the customer to provide feedback (a review) about their impression of the item); and

receiving the review electronically via the electronic review form (See at least figure 8c, column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18, which describes the electronic receipt of rating information from the customer).

However, Klingman does not expressly disclose inferring based at least in part on a characteristic of the item.

Geerlings teaches sending a communication to a consumer a certain determined amount of time after the purchase of a specific item (See column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out the review request of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

14. As per claim 19, Klingman disclose a method further comprising verifying that the received review is from a customer that ordered the item (See column 4, lines 20-24 and 55-62,

Art Unit: 3623

column 6, lines 7-10 and 35-39, column 8, lines 19-25, column 10, lines 55-58, and column 11, lines 9-20, all of which talk about verifying the identity of the reviewer before allowing the reviewer to enter a score. See also column 5, lines 3-6, column 10, lines 58-65, which discloses verifying that the review is from a purchaser who has not yet rated the item (thus not allowing a user to provide more than one rating)).

15. As per claim 20, Klingman teaches a method wherein the review is a textual review including a plurality of words entered by the customer, and further comprising of presenting the received textual review to other customers in conjunction with an indication that the textual review is from a purchaser of the item (Once the reviews are entered, the reviews are presented to other customers in the context that the review comes from a purchaser of the reviewed item. See figure 5, column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 9, lines 30-35 and 41-46, column 12, lines 18-30 and 50-63. See also column 14, lines 27-30, column 11, lines 1-7, column 12, lines 18-30 and 51-63, column 13, lines 9-15 and 40-49, column 18, lines 1-10, column 20, lines 6-9, and column 21, lines 10-20, which disclose presenting a customer interested in said item with a review by a purchaser of said item).

16. As per claim 22, Klingman teaches a customer providing a review of a purchased item (See column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18, which describes the electronic receipt of a review of a purchased item from the customer. See at least figure 5, column 9, lines 30-35 and 41-46, column 12, lines 18-30 and 50-63. See also column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 20, lines 6-9, and column 14, lines 27-30, which disclose presenting a customer interested in said item with a review by a purchaser of said

Art Unit: 3623

item). However, Klingman does not expressly disclose using a collaborative filter which provides the customer personalized recommendations for items similar to the purchased item.

Geerlings discloses providing the customer personalized recommendations for items similar to the purchased item (See at least column 1, lines 5-15, column 2, lines 20-40, column 3, lines 20-35, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, column 7, lines 50-67, column 10, lines 35-50, and column 13, lines 45-55, wherein filters look at what is purchased and buying behavior and create communications and recommendations to be targeted. For example, if a customer of a bank has a certain checking account, a special offer or money market account would be communicated to him/her).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers based on specific product purchases or behaviors, such as complaints. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out personalized recommendations based on purchases and communications in the system of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

17. As per claim 23, Klingman discloses wherein the received review is used to recommend the item to other customers (See column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18, which describes the electronic receipt of a review of a purchased item from the customer. See at least figure 5, column 9, lines 30-35 and 41-46, column 12, lines 18-30 and 50-63. See also column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 20, lines

Art Unit: 3623

6-9, and column 14, lines 27-30, which disclose presenting a customer interested in said item with a review by a purchaser of said item).

18. As per claim 24, Klingman disclose a method where the inference is based at least on an estimation of how long the evaluation of the purchased item will take (See column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discusses that after purchased and item and after a period of use the customer has evaluated the quality of a purchased item).

19. As per claim 25, Klingman does not expressly disclose a method where the review request is selectively delivered on one of a weekend and a holiday.

Geerlings discloses where the communications is delivered electronically and the communications delivery would be planned and scheduled (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item).

However, Geerlings does not expressly disclose that the communications are sent on a weekend or holiday.

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out the review request of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring

Art Unit: 3623

that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

Furthermore, Geerlings teaches that a communications delivery would be planned, scheduled, and customized to meet the marketing strategy of the merchant. It would have been obvious to one of ordinary skill in the art at the time of the invention to choose to deliver a review request on a weekend or a holiday because doing so would increase the likelihood of response by the consumer due to the fact the consumer has free time on weekends and holidays to pay bills, read newspapers, reply to surveys, run errands, etc. Furthermore, it is old and well known that unlike mail, the time frame for delivery of email can be distinctly chosen.

20. As per claim 26, Klingman discloses a method where a purchase and a period of use of a purchased item is needed for a customer to come to an opinion about the quality of the purchased item (See column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discusses using an item and, based on the usage over a period of time, forming an opinion about the quality of said item); and

an item purchased can be a book (See column 12, lines 35-42).

However, Klingman does not expressly disclose that the inference is based at least on a customer survey of how long it takes consumers to read books.

It would have been obvious to one of ordinary skill in the art at the time of the invention to make an inference based on a consumer survey about books in order to form an opinion based on a consumer survey about the length of time it takes consumers to read books because doing so would provide the estimator with more accurate information with which to base his/her estimations. Furthermore, consumer surveys are old and well known in the art.

Art Unit: 3623

21. As per claim 27, Klingman discloses a method wherein a purchase and a period of use of a purchased item is needed for a customer to come to an opinion about the quality of the purchased item (See column 8, lines 22-25, and column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discusses not being able to review an item until after purchasing and item and using an item to form an opinion about the quality of said item);

having a customer enter information into an order form (See column 14, lines 41-46); and storing a Customer ID in an id table about the purchase so the customer would later review the purchased product (See at least column 10, lines 45-65).

However, Klingman does not expressly disclose making inferences based on the customer ordering a second item.

Geerlings teaches making an inference based on the customer ordering multiple items (See at least column 10, lines 15-20).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product and based on behavior and shopping patterns of the user. It would have been obvious to one of ordinary skill in the art at the time of the invention to make inferences using the purchasing patterns of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent communications are made to customers. See at least column 3, lines 25-40, of Geerlings. It is known in the art that customers that purchase products of a specific brand multiple times would be likely to purchase these brands again (i.e. brand loyalty).

22. Claim 34 is rejected using the same art and rationale applied in the rejection of claim 12.



Art Unit: 3623

23. As per claim 35, Klingman discloses wherein the review includes a textual review (See figure 5, column 11, lines 1-7, column 12, lines 18-30 and 51-63, column 13, lines 9-15 and 40-49, column 18, lines 1-10, and column 21, lines 10-20, wherein the review is a textual review).

24. As per claim 36, Klingman teaches a method of requesting a review of a purchased item, the method comprising:

receiving over a network a customer order for an item purchased from an electronic catalog (See column 6, lines 1-10 and 35-39, column 48-51 and 61-64, column 11, lines 4-18, and column 14, lines 11-12, 22-24, 27-30, and 41-46, all of which disclose receiving a customer order for an item purchased from an electronic catalog); and

setting a time to allow a review request of a consumer, wherein the time is selected based on an estimated evaluation period (See column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discuss using an item and, based on said usage after a period of time, forming an opinion about the quality of a product. A customer is provided a review request after purchase. See column 4, lines 20-25 and 55-62, column 10, line 40-41, and column 11, lines 4-10);

providing over the network an item review request, including a link to an electronic form, after a period of use of said purchased item by the purchasing customer (See at least figures 5 and 8c, column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discuss using an item and, based on said usage after a period of time, forming an opinion about the quality of a product. A customer is provided a review request after purchase. See column 4, lines 20-25 and 55-62, column 10, line 40-41, and column 11, lines 4-10).

However, while Klingman discloses purchase and an expected period of use before evaluating an item (see column 9, lines 41-46), Klingman does not expressly disclose selecting a time to request a review or providing the communication based at least in part on the selected time.

Geerlings teaches sending a communication to a consumer a certain determined amount of time after the purchase of a specific item and initiating the communication (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item. The communication may include email, email files, electronic documents, web pages, etc.).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to review the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out the review request of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

25. As per claim 37, Klingman teaches a method further comprising providing the customer a request to review an item associated with the electronic catalog, the review of the item serving as a measure about the seller of said item (See column 1, lines 36-47, wherein the item's review speaks about the quality of the seller of the item. See also column 9, lines 44-46, which

Art Unit: 3623

discusses reviewing an item to punish the seller of said item for poor quality. See also column 6, lines 1-10 and 35-39, column 48-51 and 61-64, column 11, lines 4-18, and column 14, lines 11-12, 22-24, 27-30, and 41-46, which disclose the item being purchased via an electronic catalog).

However, Klingman does not expressly disclose directly reviewing an item seller.

Klingman discusses a customer who purchased a product expressing his/her feelings about the seller of a product. Klingman further provides means for the customer to include comments. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the customer to directly rate an item seller to reflect the customer's opinion of the seller because doing so would streamline the method and make the scores easier to understand by showing the feelings of the customer about the seller in a less convoluted manner.

26. As per claim 38, Klingman teaches a method wherein the electronic review form allows a customer to specify his/her review. However, Klingman does not expressly disclose that the customer can specify whether the customer review is to be presented to others with the customer name or is to be presented anonymously.

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item via an electronic review form, which is later presented to buyers of the item. This form includes a comments section. Many sites in e-commerce allow a user to present a review as anonymous or with the reviewing party's identification. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow a customer to specify whether the review should be anonymous or presented with the customer's name to increase the response rate of customers in providing reviews by giving reviewers options with which they feel comfortable to provide reviews.

Art Unit: 3623

27. As per claim 39, Klingman does not expressly disclose the review being used to generate a customer profile.

Geerlings discloses using events of the customer to create a customer profile, these events including complaints (See at least column 1, lines 5-15, column 2, lines 20-40, column 3, lines 20-35, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, column 7, lines 50-67, column 10, lines 35-50, and column 13, lines 45-55, wherein a customer profile is created and stored in the system. This profile is used to target communications to the users, such as at specific times after the purchase of a specific item).

Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item. Geerlings discloses scheduling and planning communications with customers based on specific product purchases or behaviors, such as complaints, that are stored in the customer's profile. It would have been obvious to one of ordinary skill in the art at the time of the invention to create a customer profile in the system of Klingman using purchase and communication records to more efficiently achieve marketing goals by ensuring that pertinent communications are made to customers, the relevance of a communication judged by the stored profile. See at least column 3, lines 25-40, of Geerlings.

28. As per claim 40, Klingman teaches a method wherein a customer comes to an opinion about the quality of the purchased item after the purchase and a period of using said purchased item (See column 8, lines 22-25, column 9, lines 9-13 and 41-46, and column 20, lines 55-59, which discuss using an item and, based on said usage after a period of time, forming an opinion about the quality of a product). However, Klingman does not expressly teach that this evaluation period varies from a first item to a second item.

Art Unit: 3623

Geerlings teaches sending a communication to a consumer a certain determined amount of time after the purchase of a specific item, the specific time associated with the specific item (See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein a communication is sent to a consumer at a certain scheduled amount of time after the purchase of a specific item

Klingman discloses a system that records the identification of a purchase by a customer and allows a purchasing customer to review the purchased item after purchase and after a period of use. Geerlings discloses scheduling and planning communications with customers at a specific period of time after the purchase of a specific product, the specific time based on the specific product. It would have been obvious to one of ordinary skill in the art at the time of the invention to send out the review request of Klingman using the communication planning and scheduling system of Geerlings in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers. See at least column 3, lines 25-40, of Geerlings.

**29. Claims 5, 7, 8, 21, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (U.S. 5,950,172) and Geerlings (U.S. 5,956,693) in view of Epinions.com (screenshots of [www.epinions.com](http://www.epinions.com) from [archive.org](http://archive.org)).**

30. As per claims 5 and 29, Klingman teaches a method wherein a first customer provides a review (See column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18, which describes the electronic receipt a review from the customer. See at least figure 5, column 9, lines 30-35 and 41-46, column 12, lines 18-30 and 50-63. See also column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 20, lines 6-9, and column 14, lines 27-30, which

Art Unit: 3623

disclose presenting a customer interested in said item with a review by a purchaser of said item). However, Klingman and Geerlings do not expressly disclose offering a reward in exchange for providing a review, wherein the reward is provided if the review satisfies a first condition, or providing a financial reward after receiving the review.

Epinions discloses offering a reward in exchange for providing a review, wherein the reward is provided if the review satisfies a first condition, and providing the financial reward after receiving the review (See pages 8 and 9, wherein a reward is provided to the user if the review satisfies a condition of being viewed and royalties (which may be redeemed for cash) are provided after the review is received).

Klingman discloses a system that records identification of a purchase by a customer, allows the purchasing customer to rate the purchased item, and allows other users to view the rating and comments of the purchasing customer. Geerlings discloses targeted communications based on a marketing plan/strategy. Epinions discloses a user entering and presenting a review of an item and the user being rewarded (financially and other ways) for providing the review after the review is received and if the review satisfies the condition of being viewed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to offer the purchaser of Klingman a reward for providing a review after the review is received and if the review meets a condition in order to increase the response rate of purchasers in providing reviews by offering an incentive to participate. Offering customers incentives to participate in surveys and review is well known in the art.

31. As per claim 7, Klingman discloses a method wherein the group of reviews are presented to a user (See at least figure 5, column 9, lines 30-35 and 41-46, column 12, lines 18-30 and 50-

Art Unit: 3623

63. See also column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 20, lines 6-9, and column 14, lines 27-30, which disclose presenting a customer interested in said item with reviews). However, neither Klingman nor Geerlings discloses ordering the group of reviews based on at least a first reviewer characteristic.

Epinions discloses ordering the group of reviews based on at least a first reviewer characteristic (See at least pages 19 and 20, wherein the reviews are ordered by a first user characteristic, such as review date).

Klingman discloses a system that records identification of a purchase by a customer, allows the purchasing customer to rate the purchased item, and allows other users to view the rating and comments of the purchasing customer. Geerlings discloses targeted communications based on a marketing plan/strategy. Epinions discloses presenting a user a group of opinions in an ordered and identifiable manner. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the group of reviews in an ordered manner in order to increase the user friendliness of the system by presenting the information in an organized and readable manner.

32. As per claims 8 and 21, Klingman teaches a method wherein the first customer review is presented via a web page to the second customer (See at least figure 5, column 9, lines 30-35 and 41-46, column 12, lines 18-30 and 50-63. See also column 5, lines 56-59, column 8, lines 19-27 and 33-38, column 20, lines 6-9, and column 14, lines 27-30, which disclose presenting a customer the review on a webpage). However, Klingman and Geerlings does not expressly disclose that the review is present in association with a name of the first customer.

Art Unit: 3623

Epinions discloses that the review is present in association with a name of the first customer (See at least pages 1, 8, and 20, which disclose presenting the review with the name of the person that provided the review).

Klingman discloses a system that records identification of a purchase by a customer, allows the purchasing customer to rate the purchased item, and allows other users to view the rating and comments of the purchasing customer. Geerlings discloses targeted communications based on a marketing plan/strategy. Epinions discloses a user entering and presenting a review of an item to a second user, the review presented along with the name of the user who provided the review. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the name of the reviewing user in the ratings and comments of Klingman in order to increase a user's trust in the ratings presented by providing the knowledge of who entered the information. See at least pages 2 and 4 of Epinions, which discusses the building of trust in the reviews.

**33. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (U.S. 5,950,172) and Geerlings (U.S. 5,956,693) in view of Chislenko et al. (U.S. U.S. 6,092,049).**

34. As per claim 28, Klingman teaches allowing a user to rate a previously purchased item, presenting to the customer an item purchased by the customer and allowing the user to choose whether or not he/she wants to rate said item (See at least figure 5, column 4, lines 20-24 and 55-62, column 6, lines 7-10 and 35-39, column 8, lines 19-25, column 10, lines 55-58, and column 11, lines 9-20, all of which talk about verifying that the prospective reviewer purchased the item



Art Unit: 3623

before allowing a score to be entered. The purchaser has the ability to choose to rate the item or not based on the way they feel towards the product. See column 10, lines 41-46).

However, Klingman and Geerlings do not expressly disclose presenting the customer with a list of items or asking the customer.

Chislenko et al. teaches a method further comprising presenting to the customer a list of items purchased by the customer and asking the customer if the customer wants to review one or more of the listed items (See column 4, lines 5-9, which disclose presenting a customer with a list of items and asking the customer to rate the list of items).

It would have been obvious to one of ordinary skill in the art at the time of the invention to present the customer with a list of items purchased and ask the customer to review one or more of the items because it increases the flexibility of the system and also makes the system more user friendly. When a consumer has purchased more than one product in any given time period, this functionality would remind a consumer about which multiple items were purchased as well as allow them to choose between the items purchased and pick which ones he/she feels strongly about.

***Allowable Subject Matter***

35. Claims 10, 13, and 30-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Examiner Note***

36. Examiner acknowledges the allowable subject matter indicated in this office action as well as the conversation with Mr. Weiss on 01/07/05. If Mr. Weiss feels that furthering this

Art Unit: 3623

conversation would be beneficial in this application, Examiner is willing to entertain an after final interview.

***Response to Arguments***

37. Applicant's arguments with regards to the 35 USC § 102 rejections based on Klingman (U.S. 5,950,172) have been considered but are moot in view of the new grounds of rejection, as necessitated by amendment.

38. Applicant's arguments with regards to the rejections based on Klingman, Geerlings (U.S. 5,956,693), Epinions.com (screenshots of www.epinions.com from archive.org), and Chislenko et al. (U.S. 6,092,049) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that (1) Klingman does not disclose providing textual reviews to other customers, and further does not present a first customer review in a group of reviews to a second customer interested in the item, (2) Klingman does not teach "selecting a time to allow a review request of a consumer, wherein the time is selected based on an evaluation period", initiating an electronic transmission to a user based at least in part on the estimated date by which the first customer will have at least initially evaluated the item, or "providing a review request in response to at least the inference at a time spaced apart from the order" because Klingman accepts reviews through the clicking of a score button that is displayed whenever the web page is displayed, whether or not the user has purchased the product or has had time to evaluate the product, (3) Klingman's score button is not provided "over a network [as] an electronic review request in response to at least the inference at a time spaced apart from the order", (4) Klingman is not concerned with rating the seller, either directly or indirectly, so there would be no motivation to modify Klingman as proposed by the examiner, (5) As per claim 24, Klingman

Art Unit: 3623

does not perform the claimed inference and therefore does not base the inference at least on an estimation of how long it will take to evaluate the purchased item, (6) Examiner has failed to provide adequate motivation to modify Klingman with the disclosure of Geerlings, Klingman has no need for the planning and scheduling system of Geerlings, and further Klingman does not disclose the review requests are intended to efficiently achieve marketing goals, (7) Since Geerlings further fails to disclose selecting a time to request a review or using an estimated evaluation period to select a time for any other request, the combination of Geerlings and Klingman does not teach or suggest claim 36, (8) As per claim 38, Klingman does not disclose presenting a review with the reviewing customer's name, (9) As per claim 27, Klingman does not make an inference of when the customer has evaluated a first item, much less an inference based at least in part on the customer ordering a second item, (10) As per claims 12 and 34, Klingman and Geerlings do not teach, alone or in combination, receiving at least one email address provided by the first customer, the email address being that of a person other than the first customer, forwarding the review to the email address, or gifts, (11) As per claim 40, Klingman and Geerlings do not teach, alone or in combination, that an evaluation period varies from a first item to a second item, (12) the references, alone or in combination, do not teach claim 7 and with regards to claims 8 and 21, there is no motivation to combine Klingman with Epinions, and (13) Klingman and Chislenko et al. do not teach every element of claim 28.

**Before responding to arguments, examiner would like to discuss the limitations and varying scopes of independent claims 1, 18, and 36.**

Claim 18 recites that an order from a customer is received over a network to purchase an item from an electronic catalog. Claim 18 then recites “inferring, using information stored in a database, when the customer has evaluated the item based at least in part on one or more of a characteristic of the item or a subsequent purchase of an item”. Therefore, claim 18 derives a conclusion using data in a database as to when the customer has evaluated the item. However, without specific recitation of how this deriving is performed, the data in the database could merely indicate a purchase of a certain item occurring. An electronic review request is provided at a time spaced apart from the order based on the derived conclusion. However, again a specific time period is not disclosed, so allowing a customer access to a review form just after an order is completed does satisfy the claim limitation (i.e. there is no recitation requiring that the ordered item is delivered and/or used at the time the review request is available/provided).

Claim 1 again recites that an order from a customer is received over a network to purchase an item from an electronic catalog. The claim then recites “estimating by what date the first customer will have at least initially evaluated the item based at least on the item type”. Examiner points out that, as defined, estimate means to judge tentatively or approximate. Examiner also points out that claim 1 does not recite who or what performs the estimating or how the estimating is enacted (i.e. what specific factors are used beyond item type, any algorithm or logic for the estimating, etc.). Furthermore, the claim states that the date is the time at which the customer has at least initially evaluated the item, with no recitation as to what an at least initial evaluation is. Therefore, in its broadest reasonable interpretation, the limitation requires that a date is approximated that is assumed to be a point at which the customer has “initially evaluated” an item. An electronic transmission of a message is initiated to the customer based at

Art Unit: 3623

least on this approximated date. Examiner points out that claim 1, unlike claim 18, does not require the use of information stored in a database to perform the estimation or that the electronic transmission is performed at a time spaced apart from the order.

As for claim 36, claim 36 also recites that an order from a customer is received over a network to purchase an item from an electronic catalog. In claim 36, a time to request a review of the purchased item is selected at least on an estimated evaluation period. Examiner points out that claim 36 does not recite who or what selects the time. And while the time is selected using at least an estimated evaluation period, there is no recitation of who or what selects the time, how the estimated evaluation period is determined, or how the evaluation period relates to and impacts the selection. After the time is selected, an item review request is provided over the network wherein the timing of the request is based at least on the selected time. Examiner points out that unlike claims 1 and 18, claim 36 contains no recitation of basing the evaluation period or time selection on the item type and that, unlike claim 18, there is no recitation of the review request being provided at a time spaced apart from the order.

**In response to argument (1),** Examiner respectfully disagrees. Klingman teaches that a buyer of a purchased item can enter rating information and comments into the electronic form. The rating information and comments relating to the product are stored in the system and displayable to the next buyer. See at least figures 5, 8C, and 8D, column 11, lines 1-7 and 30-45, column 13, lines 9-15 and 40-49, column 14, lines 27-30, column 18, lines 1-10, and column 21, lines 10-20. Examiner points out that “comments” are written notes intended as an explanation, a statement of fact or opinion, especially a remark that expresses a personal reaction or attitude

Art Unit: 3623

(i.e. words). See specifically figure 5, which shows a display of what specifically a user of the system would see, including comments.

**In response to argument (2),** Examiner respectfully disagrees. Examiner has outlined the differences of the independent claims above as well as what each of the limitations requires. Examiner agrees with the Applicant that the "Score" button is displayed at all times when viewing the web page. However, the functionality of this button (i.e. the linking to a review request form) is only accessible once a customer has purchased an item. See figure 5, column 4, lines 20-25 and 55-62, column 9, lines 5-35 and 40-65, column 10, lines 40-41, and column 11, lines 1-10. Therefore, a customer does not have the ability to providing a review until after he/she has purchased an item. As for whether or not the reviewer has had time to review the item, Examiner points out that from a technical point of view the claimed invention does not include a way to validate the use of the item before review, whether the review request is offered the moment after purchase or 50 days after purchase. For example, a person ordering a book may not read the book right away, so regardless of an inference or estimation on how long it takes a person to read that book, there is no way to validate at the time of review that the user did, in fact, use the item. Therefore, the claimed invention, just like Klingman, is based on an assumption. Examiner further points out that, as discussed above and in the previous office action, none of the independent claims, preclude the estimated, inferred, or set time from being just after purchase. Examiner maintains that Klingman teaches the elements set forth above in the 103 rejection because Klingman states that after an assumed period of use the customer will evaluate the quality of a purchased item and wish to rate the purchased product. Therefore, Klingman estimates, infers, or sets the time that the review request would be made available as

Art Unit: 3623

the time just after purchase, using the purchase data stored in the database. See column 8, lines 22-25, and column 9, lines 9-13 and 41-46, and column 20, lines 55-59.

**In response to argument (3),** Examiner respectfully disagrees. The claim limitation specifically recites “providing over the network an electronic review request in response to at least the inference at a time spaced apart from the order, wherein the review request requests that the customer provide a review of the purchased item and includes a link to an electronic review form”. As discussed above in the description of claim 18 as well as the response to argument (2), the review request is not accessible to the user until a time after the purchase of the item. Therefore, when the customer/purchaser clicks on the “Score” button at a time after the purchase, the customer is linked to an electronic review form. See figure 8c, column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 4-10, which disclose providing a review request at a time after purchase/ordering (after verifying that the customer has previously purchased the item). The review request asks the customer to provide feedback (a review) about their impression of the item.

**In response to argument (4),** Examiner respectfully disagrees. In column 21, lines 10-25, Klingman states that “the buyer provides rating information corresponding to the degree of the buyer’s satisfaction with the purchased product and perhaps some comments relating to the product and transmits the same to the seller’s system: [...] The seller’s system records the rating information provided by the buyer and subsequently updates his/her latest scoring information in order to maintain the most recent scoring information for the purpose of presenting the same to the next buyer”. Examiner further points out that Klingman teaches rating and the means for rating an item as a way of punishing or rewarding, as stated in column 1, lines 36-47, and

Art Unit: 3623

column 9, lines 44-46. Therefore, since the customer is rating the product, the rating presented on the site of the seller, and since it was old and well known at the time of the invention to rate the seller of a purchased item, Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to rate the seller of the item directly.

**In response to argument (5),** Examiner respectfully disagrees. First, Examiner again points out the discussion above with regards to the claim term “inference”. To reiterate, there is no recitation in claim 18 as to how “inferring” occurs (i.e. in someone’s head, randomly, using specific formulas, facts, or functions, etc.). Therefore, Klingman does teach “inferring when the customer has evaluated the item” when it assumes that the customer is ready to evaluate the item after purchase. Klingman states that after an assumed period of use the customer will evaluate the quality of a purchased item, but infers that the review request would be made available at the time just after purchase. Claim 24 states that the inference is based at least in part on an estimation of how long it will take to evaluate the purchased item. Again, Klingman makes the judgment that after the user purchase the item, the purchaser would be able to assess and rate the purchased item.

**In response to argument (6),** In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Klingman discloses a system that records



Art Unit: 3623

identification of a purchase by a customer and allows a purchasing customer to rate the purchased item after an assumed period of use of the purchased item. Geerlings discloses scheduling and planning communications with customers at a certain period of time after the purchase of a specific product. Therefore, both Geerlings and Klingman discuss communications with a purchaser after purchase. Geerlings suggests in column 3, lines 25-40, that follow-up communications are a source of achieving marketing goals. Klingman also desires purchasers to rate items for later customer sales. Geerlings further discusses the timely follow-up communications with purchasers. Since both systems intend to communicate with a purchaser after purchase, there is motivation to combine the references.

**In response to argument (7)**, Examiner respectfully disagrees. Examiner reminds the applicant that claim 36 was rejected under 35 USC § 103 in view of Geerlings and Klingman.

Examiner relied upon Klingman to teach receiving over a network a customer order for an item purchased from an electronic catalog, setting a time to allow a review request of a consumer, wherein the time is selected based on an estimated evaluation period, and providing over the network an item review request, including a link to an electronic form, after a period of use of said purchased item by the purchasing customer, as set forth above. Examiner asserted that while Klingman discloses purchase and an expected period of use before evaluating an item (see column 9, lines 41-46), Klingman does not expressly disclose selecting a time to request a review or providing the communication based at least in part on the selected time. Examiner relied upon Geerlings to teach sending a communication to a consumer a certain determined (and selected) amount of time after the purchase of a specific item and initiating the communication. Geerlings was not relied upon to teach specifically a review, but rather a timed communication a

Art Unit: 3623

certain determined amount of time after the purchase of a specific item. Therefore, Geerlings and Klingman combined do teach and suggest claim 36.

**In response to argument (8)**, Examiner agrees that Klingman does not expressly disclose that the customer can specify whether the customer review is to be presented to others with the customer name or is to be presented anonymously. Examiner asserted above in a § 103 rejection that Klingman teaches a method wherein the electronic review form allows a customer to specify his/her review, a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item via an electronic review form that allows a customer to specify his/her review. Since many sites in e-commerce allow a user to present a review as anonymous or with the reviewing party's identification, Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to allow a customer to specify whether the review should be anonymous or presented with the customer's name to increase the response rate of customers in providing reviews by giving reviewers options with which they feel comfortable to provide reviews.

**In response to argument (9)**, Examiner respectfully disagrees. First, Klingman does teach making an inference, as explained above. Second, claim 27 does not specifically recite how the ordering of the second item affects the inference. It is not required by the claim language that the purchase of the first item and the purchase of the second item mutually affect the inference made. The system could, based on the claim language, simply perform a first inference with the first purchase and a second inference with the second purchase. If a more specific interaction is intended, Examiner suggests clearly reciting it in the claims.

Furthermore, Klingman discloses a customer entering information into an order form (column 14, lines 41-46) and storing a Customer ID in an id table about the purchase so the customer would later review the purchased product (column 10, lines 45-65). Geerlings teaches making an inference based on the customer ordering multiple items (See at least column 10, lines 15-20). Therefore, since Klingman discloses a system that records identification of a purchase by a customer and allows a purchasing customer to rate the purchased item, since Geerlings discloses scheduling communications based on behavior and shopping patterns of the user, and since the claims, as recited, contain no specific relationship between the purchase of the first item and second, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the references.

**In response to argument (10),** Examiner respectfully disagrees. Klingman discloses reviews of purchased items by customers who use the items, as discussed in column 4, lines 20-25 and 55-62, column 10, lines 40-41, and column 11, lines 9-18). Geerlings discloses receiving at least one e-mail address provided by the first customer, the email address being the preferred communication channel of the user, and forwarding the communication after purchase to the e-mail address. See column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 6, lines 1-15, wherein an email address is provided by the first user and the communication is sent to this email address. Klingman discloses a system that records identification of a purchase and allowing a purchasing customer to rate the purchased item after a period of user (i.e. Since Klingman ensures that a rater has actually bought and preferably used the product, Klingman is concerned with the user performing the rating). Geerlings discloses scheduling and planning communications with customers based on specific

Art Unit: 3623

product purchases and provided email addresses (i.e. information is provided and recorded at time of purchase and used for further communications). It is known in the art of e-commerce that a purchaser will provide “bill to” and “ship to” contact information at the time of purchase and that these will be different in the case of a gift purchase. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the user of the product with the review request (i.e. targeted communication) in order to more efficiently achieve marketing goals by ensuring that pertinent and timely communications are made to customers who are users of the product. See at least column 3, lines 25-40, of Geerlings, and Klingman, column 9, lines 5-20 and 40-50.

**In response to argument (11),** Examiner respectfully disagrees. As discussed above, Klingman teaches a method wherein a customer comes to an opinion about the quality of the purchased item after the purchase and a period of using said purchased item. Geerlings teaches sending a communication to a consumer a certain determined amount of time after the purchase of a specific item, the specific time associated with the specific item. See at least column 1, lines 5-15, column 2, lines 20-40, column 4, lines 20-47 and 55-67, column 5, lines 1-20 and 35-55, and column 13, lines 45-55, wherein the time chosen is specific to the item. Therefore, since Klingman discloses a system that records the identification of a purchase by a customer and allows a purchasing customer to review the purchased item and since Geerlings discloses scheduling and planning communications with customers at a specific period of time after the purchase of a specific product, the specific time based on the specific product, the combined reference teach and suggest claim 40.

**In response to argument (12),** Examiner respectfully disagrees. With regards to claim 7, Klingman discloses a group of reviews being presented to a user, as set forth above. Epinions discloses ordering the group of reviews based on at least a first reviewer characteristic in at least pages 19 and 20, wherein the reviews are ordered by a first user characteristic, such as review date. Since Klingman discloses a system that allows the purchasing customer to rate a purchased item and allows other users to view this rating and since Epinions presents a user a group of opinions in an ordered and identifiable manner, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of the references. Furthermore, there is motivation to combine these references because Klingman does disclose presenting reviews to other users of the system, as does Epinions. Epinions merely teaches a different design choice for presenting the reviews. Therefore, since Klingman is capable of providing reviews, it would have been obvious to one of ordinary skill in the art at the time of the invention to present the reviews of Klingman using the format of Epinions.

**In response to argument (13),** Examiner respectfully disagrees. Klingman teaches allowing a user to rate a previously purchased item. See at least figure 5, column 4, lines 20-24 and 55-62, column 6, lines 7-10 and 35-39, column 8, lines 19-25, column 10, lines 55-58, and column 11, lines 9-20, all of which talk about verifying that the prospective reviewer purchased the item before allowing a score to be entered. The purchaser has the ability to choose to rate the item or not based on the way they feel towards the product. See column 10, lines 41-46. Chislenko et al. teaches a method further comprising presenting to the customer a list of items purchased by the customer and asking the customer if the customer wants to review one or more of the listed items. See column 4, lines 5-9, which disclose presenting a customer with a list of

Art Unit: 3623

items and asking the customer to rate the list of items. Therefore, Klingman and Chislenko et al. do teach and suggest all the claim limitations.

### ***Conclusion***

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*bvd*

bvd

January 7, 2005

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600